

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**Ronald A. Hollon, Sr.,**

**Plaintiff,**

V.

**CSX Transportation, Inc.,**

**Defendant.**

**Civil Action No. 2:06-CV-1099-WKW-CSC**

**MOTION FOR CONTINUANCE OF TRIAL DATE**

Defendant CSX Transportation, Inc. (“CSXT”) hereby moves for a continuation of the March 24, 2008, trial setting in this matter. CSXT respectfully requests that any trial of this case be continued until the next available trial setting. In support thereof, CSXT states:

1. Pursuant to the February 8, 2007 Scheduling Order, this matter is set for trial on the Court's March 24, 2008 trial calendar. That order also established various deadlines for the pre-trial conference, witness lists, exhibit lists, deposition designations, and pre-trial motions in February 2008.

2. Defendant's lead counsel in this matter, William C. Barker, is engaged to be married in Beaufort, South Carolina on April 19, 2008. After the wedding, Defendant's lead counsel will be out of the country until May 2, 2008.

3. Because of the indeterminate date for any trial during the trial calendar and the existence of various pre-wedding obligations on the part of Defendant's lead counsel, this current trial setting poses a substantial personal hardship for Defendant's lead counsel. Continuation of the trial setting to the Court's July 2008 trial calendar, or the next available trial calendar, would obviate those hardships.

4. Additionally, the parties just completed briefing on Defendant's Motion for Summary Judgment. The continuance of the trial date would allow the Court additional time to consider the merits of that Motion.

5. The trial date in this matter has not been previously continued. Furthermore, a continuance will not prejudice Plaintiff or his counsel.

WHEREFORE, Defendant respectfully requests that the Court continue this matter to the July 28, 2008 trial calendar, or the next available trial calendar if that trial calendar is not available. Defendant also respectfully requests that the Court modify the deadlines for pre-trial filings, including witness and exhibit lists, consistent with a continued trial setting.

This 25th day of January, 2008.

Respectfully submitted,

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/s/ William C. Barker  
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William C. Barker  
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Attorneys for Defendant  
CSX Transportation, Inc.

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|----------------------------------|---|--|
| <b>Ronald A. Hollon, Sr.,</b>    | ) |  |
|                                  | ) |  |
| <b>Plaintiff,</b>                | ) |  |
|                                  | ) |  |
| <b>v.</b>                        | ) | <b>Civil Action No. 2:06-CV-1099-WKW-CSC</b> |
|                                  | ) |  |
| <b>CSX Transportation, Inc.,</b> | ) |  |
|                                  | ) |  |
| <b>Defendant.</b>                | ) |  |

**CERTIFICATE OF SERVICE**

I hereby certify that on January 22, 2008 I electronically filed the foregoing **MOTION FOR CONTINUANCE OF TRIAL DATE** with the Clerk of Court using the EM/ECF system, which will automatically send e-mail notification of such filing to the following attorney of record. I also certify that I served a copy via U.S. mail:

Gary E. Atchison, Esq.  
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/s/ William C. Barker  
Attorney for Defendant  
CSX Transportation, Inc.

UNITED STATES DISTRICT COURT  
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RONALD HOLLON,

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) ) ) ) ) ) ) ) ) )

CIVIL ACTION FILE NO.:  
2:06-CV-1099-WKW-CSC

**ORDER REGARDING MOTION FOR CONTINUANCE OF TRIAL DATE**

Defendant CSX Transportation, Inc.'s ("CSXT") Motion for Continuance of Trial

Date having been duly considered by the Court;

IT IS HEREBY ORDERED AND ADJUDGED that Defendant's Motion for Continuance of Trial Date is granted. This matter is hereby set for the July 28, 2008 civil jury trial calendar. The pre-trial conference is hereby continued until June 27, 2008. Furthermore, the deadline for filing witness lists, exhibit lists, and deposition designations is continued to June 20, 2008.

SO ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2008.

United States District Court Judge